

ASSEMBLY BILL

No. 2045

Introduced by Assembly Member Perea

February 23, 2012

An act to add Section 40609 to the Health and Safety Code, relating to nonvehicular air pollution.

LEGISLATIVE COUNSEL'S DIGEST

AB 2045, as introduced, Perea. San Joaquin Valley Unified Air Pollution Control District: expedited permits.

(1) Existing law establishes the San Joaquin Valley Unified Air Pollution Control District formed by the Counties of Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare, and consisting of the Counties of Fresno, Kings, Madera, Merced, San Joaquin, Stanislaus, and Tulare, and that portion of the County of Kern that is within the San Joaquin Valley Air Basin, as a single integrated agency with all staff under one centralized management structure that is able to implement programs on a basinwide basis. Existing law designates air pollution control and air quality management districts as having primary responsibility for control of air pollution from all sources other than vehicular sources.

This bill would require the district to process and make a determination regarding any expedited permit, or any fees related to overtime or other expenses paid to expedite a permit, within 60 calendar days upon initial receipt by the district. The bill also would require the district, if it does make a determination on an expedited permit within 60 calendar days, to issue a full refund of any fees paid for the expedited permit within 75 calendar days upon initial receipt by the district. By

adding to the duties of the San Joaquin Valley Unified Air Pollution Control District, this bill would impose a state-mandated local program.

(2) This bill would make legislative findings and declarations as to the necessity of a special statute for the unique needs of industries in the San Joaquin Valley.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 40609 is added to the Health and Safety
- 2 Code, to read:
- 3 40609. (a) The district shall process and make a determination
- 4 regarding any expedited permit, or any fees related to overtime or
- 5 other expenses paid to expedite a permit, within 60 calendar days
- 6 upon initial receipt by the district.
- 7 (b) If the district does not comply with subdivision (a), the
- 8 district shall issue a full refund of any fees paid for the expedited
- 9 permit within 75 calendar days upon initial receipt by the district.
- 10 SEC. 2. The Legislature finds and declares that a special law
- 11 is necessary and that a general law cannot be made applicable
- 12 within the meaning of Section 16 of Article IV of the California
- 13 Constitution because of the unique needs of industries in the San
- 14 Joaquin Valley.
- 15 SEC. 3. If the Commission on State Mandates determines that
- 16 this act contains costs mandated by the state, reimbursement to
- 17 local agencies and school districts for those costs shall be made
- 18 pursuant to Part 7 (commencing with Section 17500) of Division
- 19 4 of Title 2 of the Government Code.